

THE HONORABLE RICARDO S. MARTINEZ

THE HONORABLE THERESA L. FRICKE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UTHERVERSE GAMING LLC,

Plaintiff,

v.

EPIC GAMES, INC.,

Defendant.

Case No. 2:21-cv-00799-RSM-TLF

**STIPULATION REGARDING EPIC'S
LETTERS ROGATORY AS TO THIRD
PARTIES BRIAN M. SHUSTER, GARY
S. SHUSTER, AND AARON BURCH**

1 **WHEREAS**, Defendant Epic Games, Inc. (“Epic”) moved the Court for the issuance of its
2 Letter Rogatory on April 7, 2022 (Dkt. No. 68) and its Corrected Letter Rogatory on June 30, 2022
3 (Dkt. No. 97) (collectively, “Letters Rogatory”);

4 **WHEREAS**, the Court granted the issuance of Epic’s Letters Rogatory (Dkt. Nos. 85 and
5 99);

6 **NOW, THEREFORE**, Plaintiff Utherville Gaming LLC (“Utherville Gaming”), Epic
7 (together with Utherville Gaming, the “Parties”), and third parties Brian M. Shuster and Gary S.
8 Shuster (“the Shusters”) and Aaron Burch stipulate as follows:

9 1. Counsel for Utherville Gaming represents the Shusters and Burch in this action
10 and agrees to accept service of discovery on behalf of the Shusters and Burch, in their individual
11 capacities, in this action and only this action, including subpoenas for documents and a deposition
12 under Fed. R. Civ. P. 45 and a trial subpoena issued by this Court.

13 2. The Shusters and Burch, in their respective individual capacities, consent to
14 jurisdiction of the Western District of Washington for this action and this action only with respect
15 to any necessary enforcement of any subpoena served pursuant to paragraph 1 of this Stipulation.

16 3. The obligation of the Shusters and Burch to attend any properly noticed deposition,
17 hearings, and proceedings are limited to attendance in Seattle, Washington, or remote attendance
18 via videoconference if agreed to by the parties and/or permitted by the Court.

19 4. Each Party will share the reasonable costs for the attendance of the Shusters or
20 Burch at any properly noticed deposition, hearing, or proceedings at which the Party has requested
21 the Shusters’ or Burch’s attendance and for which travel to Seattle, Washington, from Vancouver,
22 British Columbia is required.

1 5. Epic will serve subpoenas on the Shusters and Burch via their undersigned counsel
2 no later than October 10. The Shusters will produce responsive documents no later than October
3 31. Burch will produce responsive documents no later than November 11.

4 6. Each of the Shusters will appear for deposition in this action at a mutually agreeable
5 date and location in November or December 2022.

6 7. Aaron Burch will appear for deposition in this action at a mutually agreeable date
7 and location in December 2022.

8 8. The Shusters and Burch will provide their availability for deposition at the same
9 time they produce responsive documents pursuant to paragraph 5 of this stipulation.

10 9. Epic has obtained an order from the Supreme Court of British Columbia for
11 compliance with Epic's Letters Rogatory issued to the Shusters and Burch. Epic agrees to hold
12 those orders in abeyance as to the Shusters and Burch while the Shusters and Burch discharge their
13 obligations under the subpoenas issued pursuant to this stipulation.

14 10. Though the Shusters and Burch did not appear in the Supreme Court of British
15 Columbia to contest Epic's Letters Rogatory request, through this stipulation, the Shusters and
16 Burch reserve all objections that they might have at law or in equity concerning this action in the
17 Western District of Washington, other than objections relating to improper service, lack of this
18 Court's jurisdiction, or the subpoenas' territorial reach.

DATED this 7th day of October, 2022

Respectfully submitted,

/s/ Jessica M. Andrade

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Dated: October 7, 2022

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[PROPOSED] ORDER

PURSUANT TO THE FOREGOING STIPULATION, it is ORDERED that discovery, depositions, hearings, and other proceedings involving Brian M. Shuster, Gary S. Shuster, and Aaron Burch, in their individual capacities, will proceed pursuant to the stipulation as set forth above.

DATED this ____ day of _____, 2022.

HON. THERESA L. FRICKE

CERTIFICATE OF SERVICE

The undersigned certifies that on October 7, 2022, I caused to be served via CM/ECF system a true and correct copy of the foregoing document and that service of this document was accomplished on all parties in the case by the CM/ECF system.

/s/ Eugene Novikov
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